



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,176	02/28/2002	Matthew Plan	P21784	4794
7055 75	590 12/02/2005		EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE			GAUTHIER, GERALD	
RESTON, VA			ART UNIT	PAPER NUMBER
,			2645	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provision of 3° CFR 1.35(d), in no event, however, may a righty be timely filled  Extensions of time may be available under the provision of 3° CFR 1.35(d), in no event, however, may a righty be timely filled  Extensions of righty specified above is less than fillity (300 days, a righty within the statution princing with the princip of righty (300 days will be considered sinely.)  If No period for righty specified above is less than fillity (300 days, a righty within the statution princing within the statution of the statution within the statution of the statution of the statution of the statution within the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-26 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 1-26 is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) is/are objected to.  8) Claim(s) is/are objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The declaration is objected to by the Examiner.  Application Papers  10) The declaration is objected to by the Examiner. Note the attrached Office Action or form PTO-1		Application No.	Applicant(s)				
Carald Gauthler  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If the period for reply specified shows is lost than thisy (30) days, a reply within the statisticy minorium of binity (30) days will be considered timely.  If the period for reply specified shows is lost than thisy (30) days, a reply within the statisticy minorium of binity (30) days, will be considered timely.  If the period for reply specified shows is less than thisy (30) days, a reply within the statisticy minorium of binity (30) days will be considered timely.  If the period for reply specified shows is less than thisy (30) days, a reply within the statistic minorium of binity (30) days will be considered timely.  If the period for reply specified on the statistic properties of the statistic properties of the communication.  If the period for reply specified on the statistic properties of the statistic properties of the statistic properties.  If the period for reply specified shows it is a replication.  A pright replication is final.  2	Office Action Comments	10/084,176	PLAN, MATTHEW				
- The MALING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Estations of term enjoy be available under the provisions of 3 CPR 1.138(a). In no event, however, may a reply be timely filled in the major by the period for reply specified above is less than thisty (30) days, and period of the period for reply specified above is less than thisty (30) days, and the statutory minimum of thinty (30) days will be considered timely.  If the period for reply specified above is less than thisty (30) days, and the statutory minimum of thinty (30) days will be considered timely.  If the period for reply specified above is less than thisty (30) days, and the statutory minimum of thinty (30) days will be considered timely.  If the period for reply specified above is less than thisty (30) days, and the considered timely.  If the period for reply specified above is less than thisty (30) days, will be considered timely.  If the period for reply specified above is less than thisty (30) days, will be considered timely.  If the period for reply specified above is less than thisty (30) days, will be considered timely.  If the period for reply specified above is less than thisty (30) days, will be considered timely.  If the period for reply specified above is less than thisty (30) days, will be considered timely.  If the period for reply specified above is less than thisty (30) days, will be considered timely.  If the period can be seen than thisty (30) days, will be considered timely.  If the period can be seen than thisty (30) days will be considered timely.  If the period can be seen than thisty (30) days will be considered the seen than the second transplant of the second transplant to the second transplant transplant to the second transplant	Oπice Action Summary	Examiner	Art Unit				
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THE MAILING DATE OF THIS COMMUNICATION.  Exteriolox of time may be available used the provided and 27 CPR 1.13(e). In no event, however, may a reply be timely filed after SX (5) MCNTTS from his mailing date of this communication.  Falsu's or reply within the set of extended period of reply will, by adultion, and pay and will send stick) (6) MCNTTS from his mailing date of this communication.  Falsu's or reply within his est or extended period for reply will. By adultion, acts (6) MCNTTS from the mailing date of this communication, reversible that the send his pays and will send risk (6) MCNTTS from the mailing date of this communication, even if timely. Hed, may reduce any control plant term adjustment. Set 97 CPR 1.74(b).  Status  1)  Responsive to communication(s) filed on 31 October 2005.  2a)  This action is FINAL. 2b) This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1.26 is/are pending in the application.  4a) Of the above claim(s)  is/are withdrawn from consideration.  5)  Claim(s) 1.26 is/are pending in the application.  4a) Of the above claim(s)  is/are withdrawn from consideration.  5)  Claim(s) 1.26 is/are objected to.  8)  Claim(s) 1.26 is/are objected to.  8)  Claim(s) 1.26 is/are objected to by the Examiner.  10)  The drawing(s) filed on  is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3)  Certified copies of the p	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
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### **DETAILED ACTION**

## Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
  - 1. Determining the scope and contents of the prior art.
  - 2. Ascertaining the differences between the prior art and the claims at issue.
  - 3. Resolving the level of ordinary skill in the pertinent art.
  - 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
- 3. Claim(s) 1-5, 7-12, 14-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjornberg et al. (US 6,647,111) in view of Stocker et al. (US 2002/0152197 A1).

Regarding **claim(s) 1**, Bjornberg discloses a method for implementing a customized instance of a dynamic interactive voice system for a customer, the dynamic interactive voice system having a database (FIG. 1 and column 1, lines 50-54), the method comprises:

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configuring a call flow that incorporates a plurality of call flow nodes of different nodes types (column 10, line 10 "application file"), the different nodes types comprising a plurality of standard nodes and a plurality of preprogrammed designer tool kit modules (column 10, line 4 "service-independent building blocks") each designer tool kit module having a database (Audio files database 204/SIBB database on FIG. 2 are separated from the call plan database) that is separate from the dynamic interactive database (column 9, line 19 "call plan database" 202 on FIG. 2) at least one of the designer tool kit modules being a call library application (SIBB "call" on Table 1), and at least one of the designer tool kit modules being a voice forms module (SIBB "audio" on Table 1) (FIG. 5 and column 10, lines 4-16);

storing the call flow in association with an identification of the customer (FIG. 2 and column 9, lines 17-24);

activating the stored call flow to a dialed number associated with the customized instance (FIG. 2 and column 9, lines 21-24); and

processing at least one call flow node of the stored call flow (FIG. 2 and column 9, lines 25-35).

Bjornberg discloses service independent building blocks for interactive voice response system that perform multiple tasks but fails to disclose one of the designer tool kit modules being a zip code locator module.

However, Stocker in the same field of endeavor teaches at least one of the designer tool kit modules being a zip code locator module (FIG. 6 and paragraph 0034).

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It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Bjornberg using the ZIP code locator as taught by Stocker.

This modification of the invention would have one of the designer tool kit modules being a zip code locator module so that the system would ensure that a financial service would be located.

Regarding **claim(s) 2**, Bjornberg discloses displaying at least one data field relating to at least one parameter of each call flow node at a display terminal, the at least one parameter directing processing of the associated call flow node (FIG. 4 and column 9, line 59 to column 10, line 3); and

receiving data defining the at least one parameter from the display terminal (FIG. 4 and column 9, line 59 to column 10, line 3).

Regarding **claim(s) 3, 8 and 10**, Bjornberg discloses the at least one parameter comprises an identification number of a selected call flow node of the plurality of call flow nodes to be processed after the at least one call flow node (column 9, lines 17-24).

Regarding **claim(s) 4**, Bjornberg discloses an initial call flow node of the plurality of call flow nodes comprises a menu node (column 9, lines 17-24).

Regarding claim(s) 5 and 9, Bjornberg discloses the standard node comprises one of a menu node, a transfer node, a vocabulary node and an end node (column 10, lines 4-16).

Regarding claim(s) 7, 17 and 20, Bjornberg in combination with Stocker disclose all the limitations of claim(s) 7 as stated in claim(s) 1's rejection above and furthermore Bjornberg discloses displaying a data field for each node at a graphical user interface, the data field corresponding to a variable parameter associated with the node type of the node (FIG. 4 and column 9, line 59 to column 10, line 3).

Regarding **claim(s)** 11, Bjornberg discloses the data entered in the data field of a node from the vocabulary node type comprising a predetermined vocabulary tag to be spoken via a voice generator to a terminal of a caller (column 9, lines 36-50).

Regarding **claim(s) 12**, Bjornberg discloses the data entered in the data field of a node from the transfer node type comprising a transfer destination code (column 9, lines 36-50).

Regarding **claim(s) 14 and 16**, Bjornberg in combination with Stocker disclose all the limitations of **claim(s) 14 and 16** as stated on **claim(s) 7**' s rejection above and furthermore Bjornberg discloses an interactive voice response system (column 3, line 50-53), a user terminal (128 on FIG. 1) a database (202 on FIG. 2).

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Regarding **claim(s) 15**, Bjornberg discloses the at least one port of the IVR system being associated with a telephone number of the customer, so that the incoming call is directed by a public switched telephone network to the at least one port based on calls to the customer telephone number (column 9, lines 17-24).

Regarding **claim(s)** 18, Bjornberg discloses an administrative source code segment that is initiated by an escape code received by the IVR source code segment via the incoming call and that enables at least one of an addition, a deletion and a change of an administrative variable associated with the call flow (column 9, line 59 to column 10, line 3).

Regarding **claim(s) 19**, Bjornberg discloses the administrative variable comprises one of a telephone extension number and a voice announcement (column 9, lines 25-35).

Regarding **claim(s) 21-26**, Bjornberg discloses each designer tool kit module has different tools for different audiences (column 10, Table 1).

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4. Claim(s) 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjornberg in view of Stocker as applied to claim(s) 1 and 7 above, and further in view of Levin et al. (US 2003/0149566 A1).

Regarding claim(s) 6 and 13, Bjornberg in combination with Stocker as applied to claim(s) 1 and 7 above differ from claim(s) 6 and 13 in that it fails to disclose the designer tool kit module comprises one of an automatic attendant interactive voice response functionality and a names directory interactive response functionality.

However, Levin teaches the designer tool kit module comprises one of an automatic attendant interactive voice response functionality and a names directory interactive response functionality (¶ 0004).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Bjornberg in combination with Stocker using an automated directory assistant as taught by Levin.

This modification of the invention would have automatic attendant interactive voice response functionality and names directory interactive response functionality so that the user would have the opportunity to choose from the listing names.

# Response to Arguments

5. Applicant's arguments with respect to **claim(s) 1-26** have been considered but are moot in view of the new ground(s) of rejection.

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### Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**GERALD GAUTHIER PATENT EXAMINER** 

g.g.

November 17, 2005

OVIDIO ESCALANTE PATENT EXAMINER

Ovide Escalante